

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 VICTOR TAGLE,)
9 Petitioner,) 3:13-cv-00318-HDM-WGC
10 vs.)
11 RENEE BAKER,) ORDER
12 Respondent.)

13 Petitioner Victor Tagle filed an application to proceed *in forma pauperis* and submitted a petition
14 for a writ of habeas corpus. Based on the information provided about petitioner's financial status, the
15 Court denied the application and order that the \$5 fee be paid within thirty days. ECF No. 3. The filing
16 fee was due to be paid on July 20, 2013. As of the date of this order, the fee has not been received.
17 Petitioner has filed numerous motions with the Court including duplicate motions for the appointment
18 of counsel, motions for records or copies of court documents and requests for submission of his motions.
19 None of these request additional time to pay the filing fee or even acknowledge that the fee is due.

Because the filing fee has not been paid as ordered, and because it does not appear from the papers presented and from a review of petitioner's related state court records that a dismissal without prejudice will materially affect a later analysis of any timeliness issue with regard to a promptly filed new action, this action will be dismissed. LSR 1-3(c). The motions shall all be denied as moot.

24 An appeal of this decision requires issuance of a certificate of appealability. 28 U.S.C. §
25 2253(c)(1); Fed. R. App. P. 22. Generally, a petitioner must make “a substantial showing of the denial
26 of a constitutional right” to warrant a certificate of appealability. 28 U.S.C. § 2253(c)(2); *United States*

1 *v. Mikels*, 236 F.3d 550, 551-52 (9th Cir. 2001); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). This
2 Court has considered the issues raised by petitioner, with respect to whether they satisfy the standard for
3 issuance of a certificate of appealability. The Court has also considered whether this procedural ruling
4 would be dabateable among jurist of reason and determines that would not be the case. The Court will
5 therefore deny petitioner a certificate of appealability.

6 **IT IS THEREFORE ORDERED** that this action is **DISMISSED without prejudice**. The
7 Clerk shall provide petitioner a copy of his petition (ECF No. 1-1).

8 IT IS FURTHER ORDERED that all pending motions are DENIED.

9 No certificate of appealability will issue as to this dismissal for failure to comply with the orders
10 of the Court. The Clerk shall enter judgment accordingly.

11 Dated this 7th day of August, 2013.

Howard D McKibben

UNITED STATES DISTRICT JUDGE